

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 3:11-CV-30171 MAP

IMEDICOR, INC. FKA VEMICS, INC.,
Plaintiff

VS.

MASSACHUSETTS MUTUAL LIFE
INSURANCE COMPANY,
Defendant

MOTION IN LIMINE BY IMEDICOR, INC. FKA VEMICS, INC.

Plaintiff, IMEDICOR, INC. FKA VEMICS, INC. ("Imedicator") files this motion in limine to regulate the admissibility of evidence offered at trial by Imedicator and by Massachusetts Mutual Life Insurance Company ("MassMutual").

I. Non-Disclosed Evidence.

- A. MassMutual refers to demonstrative evidence in its pre-trial memorandum which is not merely enlarged copies of documents but which is a video or chart containing information which has never been disclosed to Imedicator. See Fed. R. Civ. P. 26. For this reason such evidence should be inadmissible.

II. Evidence of Damages

- A. MassMutual disclosed no computation of each category of damages it claims as required by Fed. R. Civ. P. 26.(1)(iii), except for Amended Counterclaim paragraph #5, "in excess of \$490,850 for goods and services which Vemics has failed to provide." Any evidence in support of damages which cannot be awarded is inadmissible.

DELETED without prejudice. Many issues raised by this motion may be addressed through a motion at the close of evidence, or may be more properly dealt with at trial. Coordinator: Michael B. Brown, 680.755.2.13